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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,910	12/02/2003	Eric Branden Cohen	4754-000001	3164
27572	7590	03/21/2005	EXAMINER	
HARNESS, DICKEY & PIERCE, P.L.C.			LEE, KEVIN L	
P.O. BOX 828			ART UNIT	
BLOOMFIELD HILLS, MI 48303			PAPER NUMBER	

3753

DATE MAILED: 03/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/725,910

Applicant(s)

COHEN, ERIC BRANDEN

Examiner

KEVIN L LEE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/2/03
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Houchins et al (U.S. Patent No. 4,369,532). The patent to Houchins et al discloses a liner (22) comprising a first substantially planar portion (42) from which walls (44a-d) extend. The cabinet liner (22) does not have to include a drain (col. 3, lines 46 and 47); therefore any leaking fluid from the fluid pipes will be collected within the liner and will not escape.

Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Robinson et al (U.S. Patent No. 6,568,419). The patent to Robinson et al discloses a liner (22) for collecting leaking fluids. The fluids are collected and retained in the liner and not allowed to escape, at least until it is decided to pump out the fluids to a collection apparatus, col. 6, lines 5-11. Several liners (22) are interconnected via a catch (38) to form an array of modules to provide a liner of varying size; see Figures 2

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and 3 and col. 6, lines 13-52. The liner is disclosed to be used in an inside room, col. 4, line 1. An inside room, given the broadest reasonable interpretation, is readable as a substantially enclosed area. In particular regards to claim 7, the preamble recites that the liner system is intended to be used with a cabinet. Robinson et al teaches that the modules (22) can be manufactured in several sizes, col. 6, line 47 and 48. Robinson et al additionally teaches that the liner can be used for emergency plumbing repairs. Since plumbing repairs often occur within a cabinet, the liner of Robinson et al could be used in a cabinet to contain the leaking fluid from the plumbing.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Houchins et al in view of Robinson et al. The patent to Houchins et al discloses a liner for a cabinet. The liner (22) lacks being formed as a group of modules with a catch interconnecting the modules to form one large liner. The patent to Robinson et al teaches the above exception in forming a group of modules (22) including a catch (22) so that the modules can be interconnected so that the size of the liner can be readily changed to fit the area to be covered. In Figure 1, a top module (22) above the bottom two modules (arrows facing each other) is readable as a cap member increasing the

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area of the two modules facing each other. Robinson et al teaches that the module (22) can be used for plumbing repairs, col. 7, lines 4-7. In view of the teaching of Robinson et al, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the apparatus of Houchins et al to form the liner as a group of modules interconnected by a catch so that the size of the liner can be increased or reduced to fit cabinets of different dimensions.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patent, to Hallsten (U.S. Patent No. 5,454,195) is cited for the additional showing of a modular containment system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KEVIN L LEE whose telephone number is (571) 272-4915. The examiner can normally be reached on MONDAY-THURSDAY.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, GENE MANCENE can be reached on (571) 272-4930. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MARCH 15, 2005


Kevin Lee
Primary Examiner